

ARTICLE APPEARED
ON PAGE A-14

NEW YORK TIMES
26 MARCH 1980

A.C.L.U. Testifies Intelligence Bill Would Legalize 'Abuses' by C.I.A.

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Special to The New York Times

WASHINGTON, March 25 — Spokesmen for the American Civil Liberties Union testified today that some provisions of proposed legislation meant to regulate the national intelligence services would legalize, rather than forbid, many of the abuses brought to light by Congressional investigations in the mid-1970's.

In addition, historians and writers told the Senate Select Committee on Intelligence that they protested strongly against a proposal that would exempt the Central Intelligence Agency, and possibly other intelligence agencies, from many of the provisions of the Freedom of Information Act, saying this would seriously damage scholarship and the public interest.

However, Senator Joseph R. Biden Jr., a liberal Democrat from Delaware, told these witnesses that opinion in Congress and throughout the country was running strongly against them.

The Senator said that, although he agreed almost entirely with their fears and objections, "the folks don't care," and added: "If you had a referendum on whether to 'unleash' the C.I.A., more than 50 percent of the people, not knowing what 'unleash' meant, would vote 'yes.'"

'We're Going to Lose It All'

Senator Biden warned such witnesses that he believed that, if efforts were made to tighten restraints on the nation's intelligence agencies under the proposed National Intelligence Act of 1980, "we're going to lose it all." The legislation, introduced by Senator Walter D. Huddleston, Democrat of Kentucky, may be jettisoned next month in favor of a much shorter bill introduced by Senators Daniel Patrick Moynihan, Democrat of New York, and Malcolm Wallop, Republican of Wyoming, that would simply grant the C.I.A. relief from what it calls onerous restrictions.

The Senate committee is expected to begin line-by-line consideration of various legislative proposals on April 14.

Jerry J. Berman, the legislative counsel of the American Civil Liberties Union, and Morton C. Halperin, a former staff member of the National Security Council who also appeared on behalf of the A.C.L.U., prefer the Huddleston bill to the Moynihan-Wallop bill.

Mr. Berman said, however, that "in all candor we are deeply disappointed" by provisions of the Huddleston bill meant to regulate investigative and intelligence-gathering techniques that might infringe on basic rights and civil liberties.

'Abusive' Activities Authorized

In a written statement, the A.C.L.U. representatives contended that the standards and restrictions in the Huddleston bill were "so vague and overbroad" that "many types of investigative activities labeled abusive in the past would be authorized rather than prohibited in the future." The statement added that some future Administration would not have to rely on a claim of "inherent power" to pry into political and other activities, but "could rely on the express authority granted by Congress" in the proposed law.

The A.C.L.U. representatives objected to many provisions of the 171-page bill, focusing particularly on provisions that would permit intrusive investigation of Americans not reasonably suspected of criminal conduct.

Other witnesses today at the Senate committee hearings included Richard S. Kirkendall, a University of Indiana historian and executive secretary of the Organization of American Historians, and Kirkpatrick Sale, a New York writer who is vice president of PEN American Center, an organization of more than 1,700 writers and editors.

Dr. Kirkendall argued that scholarly works of "lasting value" were based on information obtained from C.I.A. files through the Freedom of Information Act. He and other witnesses contended that provisions of that law had not jeopardized the C.I.A.'s operational security.

Several church organizations also appeared to protest against a request by the C.I.A. that it be allowed to use journalists, academicians and clerics as "cover" for its agents or, in a few cases, as paid agents.

Spokesmen for the Association of Former Intelligence Officers testified that they believed some provisions of the Huddleston bill would hamper intelligence agencies.